



**TOWN OF HARPSWELL
PLANNING BOARD MINUTES
JANUARY 17, 2007**
Approved February 21, 2007

MEMBERS PRESENT

John Papacosma, Chairman
Dorothy Carrier, Vice Chairman
Joanne Rogers
Kenneth Cichon
Robin Brooks

MEMBERS ABSENT

STAFF PRESENT

Jay Chace, Planner

The Town of Harpswell Planning Board meeting being duly advertised in the Times Record was called to order at 6:30 p.m. by Mr. Papacosma, Chairman. Mr. Papacosma, Chair, explained the hearing process and procedures for the Planning Board meeting. Mr. Papacosma, Chair, reviewed the Planning Board site visits on January 16, 2007.

Minutes of December 20, 2006

Mr. Papacosma pointed out a typographical error. Ms. Rogers moved, seconded by Dorothy Carrier minutes of December 20, 2006 be accepted as amended by removing the extra "o" as follows: "William M. Cooembs (Frederick Young – owner)". Unanimous Approval

OLD BUSINESS

ITEM 1

06-11-01 Martin Eisenstein and Gunilla M. Qvarfordt, Reconstruction of Non-Conforming Structure, Shoreland Residential, Tax Map 24-222, 26 Cedar Beach Road, Bailey Island.

Mr. Papacosma stated that this agenda item will continue to be in a tabled status at this time.

NEW BUSINESS

ITEM 1

Sketch Plan Brunswick Housing Authority (Anne Bailey Benaquist – owner), Map 12-200, Discussion only Subdivision Review.

Mr. John Hodge, Executive Director Brunswick Housing Authority, described the work he has engaged in with Harpswell citizens to create an action plan to address affordable housing issues in Harpswell.

Mr. Douglas Johnson, Brian Smith Surveying, described the sketch plan proposal, sensitive areas, access to open space, access to roads, lot size, wetlands, roadway development, driveways, house size, test pits, septic system design, wells, communications with state and local agencies such as Maine Historic Preservation, Natural Areas, and Inland Fisheries and Wildlife, topography, approval of entrance permits on Route 123, and the hydrogeologic study.

Mr. Papacosma opened the floor to members of the public who wished to comment on this agenda item.

Mr. James Knight, abutter, stated his concerns with regard to water runoff into the resource protection area to the south of the proposed site, filling of the wetlands, and if the hydrogeologic survey would encompass the resource protection's greater geographic area or just the site. Mr. Knight pointed out that the rainwater runoff often covered the dirt road with 15 to 20 inches of runoff. Mr. Knight stated that paving, removing vegetation that absorbs water, and the general development of the site would cause an increase in runoff. Mr. Knight expressed concern that the runoff would end up in the bay. Mr. Knight asked if there would be further public hearings.

Mr. Bill Clemons, Shore Acres Road, stated that he agrees with Mr. Knight's comments and expressed his own concerns with runoff polluting the clam flats.

Mr. John Moore, abutter, expressed his concerns with Stormwater runoff describing the backflow under the culvert and resultant water flow.

Mr. Johnson stated that the Harpswell ordinances required that there be zero runoff created and therefore the site will be designed in such a way that there would be no additional runoff. Mr. Johnson added that stormwater runoff will be reviewed by the Department of Environmental Protection. Mr. Papacosma explained the formal hearing process after Sketch Plan review. Mr. Johnson described the current water flow and the current culverts.

Mr. Peter Kaynor expressed his concerns with the intersection with Route 123 with regard to the increase in traffic that will be caused by the proposed development.

Mr. Johnson pointed out the recent traffic study performed for a nearby subdivision and explained that they would consult a traffic engineer as a part of the formal review process.

In response to an off camera comment from the audience, Mr. Chace stated that alternative lot sizes were covered under 9.4.3 of the subdivision ordinance.

In response to an off camera comment from the audience, Mr. Hodge stated that they would be making application to several organizations describing the affordable housing grant program with the Federal Home Loan Bank of Boston and the Maine State Housing Authority's affordable subdivision program.

Susan Whitman, abutter, asked about the type of septic system proposed.

Mr. Johnson described the location of the septic test pits as well as the various types of systems to be used and explained how the septic systems will be shared. Mr. Johnson stated that a full study would be prepared by a hydrogeologist that would address well quality and output as well as also septic design and septic plumes.

Mr. Cichon asked what contour interval would be used, how many septic test pits have been completed and what were the mechanisms anticipated for insuring the maintenance and repair of the shared utilities. Mr. Cichon asked if an association was contemplated that would pool all of the homes. Mr. Cichon recommended that the results of every test pit be presented to the Planning Board for review.

Mr. Johnson stated that two foot intervals would be used, that there were 10 test pits, and that there would be written in covenants. Mr. Hodge stated that the attorneys were drafting covenants and associations for the Planning Board's review and that a general homeowners association was contemplated.

Mr. Kaynor stated that he was in support of covenants and a homeowner's association to avoid future problems.

Ms. Carrier asked why they were blacktopping the driveways adding that she does not believe it meets the character of the neighborhood.

Mr. Johnson stated that it was for ease of maintenance especially within the context of a homeowner's association.

Ms. Carrier asked if electrical would be above ground or below.

Mr. Johnson stated that it was anticipated that electrical wires would be overhead because of the ledge on the site. Mr. Johnson asked if the Board had any comments with the proposed design at this point.

Ms. Carrier stated that she liked the first design without the third curb cut.

Mr. Papacosma stated that in the formal hearing process such questions as runoff would be addressed. Mr. Papacosma stated that he was pleased to see the alternative clustering design outlined in the Harpswell Subdivision Ordinance being proposed and that the design seems reasonable given the terrain. Mr. Cichon stated that he was also pleased to see the alternative design, that it is a reasonably sensitive use of the property, and pointed out that it was a difficult area in which to site septic systems. Ms. Carrier stated that she was looking forward to working with the applicant adding her concerns with regard to the rainwater runoff.

Ms. Sally Corrigan, Harpswell Housing Committee, stated that the Committee was delighted to see the development of affordable housing in Harpswell.

Ms. Debra Levensailor, Harpswell Housing Committee, added her support for this proposal.

ITEM 2

07-01-01

Cundy's Harbor Library, Inc., Site Plan Amendment Review, Commercial Fishing, Tax Map 64-62, Cundy's Harbor Road, Harpswell.

Mr. Harry Rich, Cundy's Harbor Library, explained the proposal and the recent discovery that the proposal was an institutional use prohibited by ordinance in this zone. Mr. Rich thanked town staff for the assistance provided during the development of this proposal.

Mr. Papacosma expressed his disappointment that this proposal could not move forward, commented on the quality of the design, and encouraged the applicant to proceed with an ordinance amendment at town meeting.

Ms. Anne Greene stated that it would be nice to see the library continue and make the improvements.

Ms. Levensailor, Harpswell Library Committee, also stated that she hopes that the difficulty would be overcome and expressed concern with regard to the deadline for warrant articles.

Ms. Carrier moved, seconded by Ms. Rogers to continue the hearing on the application for Cundy's Harbor Library until after the March 10, 2007, Town Meeting. Unanimous Approval

ITEM 3

07-01-02 David M & Carol S Duehring, Reconstruction of Non-Conforming Structure, Shoreland Residential, Tax Map 53-66, 127 Wallace Shore Road, Harpswell.

Ms. Carol Duehring described the proposal.

Mr. Chace commented on setbacks, volume, square footage, and calculations for 30% expansion of the structure.

Mr. Papacosma discussed the criteria of 10.3.2.3. Mr. Cichon stated that the site inspection was very informative.

Ms. Betsy Alden, abutter, stated that she is thrilled with this proposal and looks forward to having the Duehrings as neighbors.

An abutter, welcomed the Duehrings to the area, disagreed with the idea of the need to have dirt roads instead of paved roads, and stated that he was in support of the proposal.

Mr. Papacosma moved, seconded by Ms. Rogers, to find that based on the factors as described by the applicant and the on-site constraints of road setbacks, this application as presented meets the setback requirements to the greatest practical extent; there is no other location other than that which is proposed that would allow the structure to become less non-conforming to the high water mark; the proposed location is completely conforming to the side yard and road setbacks; and therefore this application is approved. Unanimous Approval

Ms. Carrier moved, seconded by Mr. Rogers that based on the findings established as part of the record in the Town of Harpswell's Planner's memorandum dated January 10, 2007, that the application has met the requirements of § 13.4.7 of the Basic Land Use Ordinance. Unanimous Approval

ITEM 4

07-01-03 Michael & Rebecca Jenkins (Joseph Yuhas – owner), Site Plan Review, Shoreland Residential, Tax Map 43-41, 0 Yuhas Drive, Harpswell.

Mr. Michael Jenkins explained the proposal to build a driveway and the need to cross the resource protection area.

Mr. Chace pointed out the ordinance criteria in Item 7 Footnote 6 of Shoreland Ordinance Land Use Table and § 15.8.3 of the Shoreland Ordinance.

Ms. Rogers moved, seconded by Ms. Carrier that the applicant's proposal complies with § 15.8.3 of the Shoreland Zoning Ordinance and upon review along with the supporting documents the Planning Board finds that there is no other location or alternative route outside of the resource protection zone on the property identified as Tax Map 43 Lot 41 to develop a driveway and therefore grants approval for the location as proposed. Unanimous Approval

Ms. Carrier asked if the driveway would be hot topped.

Mr. Jenkins stated that they would not be hot topping the driveway in order to protect the resource.

OTHER BUSINESS:

Mr. Chace updated the Planning Board with regard to scheduling of public hearings on ordinance amendments.

Ms. Carrier requested that digital photographs be taken of the various sites.

There being no other business before the Planning Board, Ms. Carrier moved, seconded by Ms. Rogers to adjourn.

Meeting adjourned at 8:00 p.m.

Respectfully Submitted,

Marsha M. Hinton
Planning Assistant